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In re: Public Hearing

THIRD CONGRESSIONAL DISTRICT FORUM

on

Perceived Registration Impediments and Possible Voting
Irregularities in the 3rd District

Monday, December 18, 2000

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Senate Room B

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CONGRESSMAN SCOTT: Good evening, before we get

started I'd like to acknowledge some of the elected officials that we have in the audience. We have Senator Yvonne Miller, Senator Henry Maxwell, Frank Thornton, Chairman of the Henrico County Board of Supervisors; we have several election officials; Robert Uptagan the Registrar in Hanover County; Ms. Hudgins, Member of the Richmond Electoral Board; Alice Lynch, former Registrar for the City of Richmond; Rosanna Benchoach representing the State Board of Elections; and Michael Brenner, Vice Chair of the State Board of Elections and Salim Khalfani representing the State NAACP.

I appreciate you're coming out tonight for this forum on voter registration and voter rights. The recent election results are not in question in Virginia as they are in Florida. We had complaints, but not in numbers that could change the outcome of any election. Yet, there have been a number of complaints about irregularities experienced in the registration and voting process in the 3rd Congressional District of Virginia, as well as other parts of Virginia, which warrant our careful attention and response. Some were the fault of the political parties themselves. For example, I'm aware of a problem in Newport News and Hampton regarding sample ballots that were passed out by voters by the Democratic party. The sample instructed voters to mark an X beside the candidate of their choice, while the official voting instructions directed voters to shade in the circle beside the name. Marking the X meant as we had instructed might have resulted in the vote not being counted when it ran through the machine. By holding this forum when we don't have a contested election, we can make sure that we don't have a Florida type situation here in the future. We will

see just how bad things actually were in Florida only after lawsuits and Justice Department and news media investigations play out more. A preliminary investigation of the irregularities in Florida by a fleeting newspaper, the Miami Herald, revealed that Vice President Gore would have won Florida by a minimum of 23,000 votes if all of the precincts had been using the same voting machines. The shocking aspect of the Florida situation is the fact that irregularities were just as bad four years ago, and nothing was done.

The complaints in Florida ranged from voter intimidation through State Police road blocks near predominantly black precincts, the disproportionate use of flawed voting machines in heavily minority voting precincts. The votamatic machines experienced less than one half of one percent of the votes being disqualified, whereas the punch ballot machines, particularly the infamous butterfly ballot, had ballot disqualification rates as high as 30 percent in some minority precincts.

The right of every American citizen to vote is guaranteed by the 14th and 15th amendments to the United States Constitution. These amendments were added to the Constitution to protect the rights of newly freed slaves following the Civil War. Yet, despite the United States Constitutional guarantees, minorities were routinely prevented or discouraged from voting up to 1965 when Congress passed the Voting Rights Act to enforce the right of minorities to register and vote.

The Voting Rights Act is a permanent statute that contains temporary and permanent provisions to protect and strengthen minority citizens rights to vote throughout the United States. The purpose of the Voting Rights Act of 1965 is to further ensure that no citizen's right to

vote is denied or abridged because of procedural or other barriers. Congress enacted the law to combat instruments of disenfranchisement including physical intimidation and harassment, the use of literacy tests, the poll tax, English only elections, and racial gerrymandering during redistricting. These practices resulted in a low registration and voter turnout among minorities and the absence of any significant number of minority elected officials. Mr. Hebert will discuss the Voting Rights Act in more detail during his presentation.

Tonight, we have a panel of experts on registration and voting rights, and experiences regarding these rights in Virginia and in Florida. After they have given us a back drop of the law and recent experiences, we will open the session to presentation from organizations and individuals regarding difficulties they may have experienced in the last election.

Our panel includes Gerald Hebert, an Attorney from Alexandria, Virginia specializing in Election Law and Redistricting. He has served as legal counsel in numerous redistricting lawsuits, including several cases in the Supreme Court of the United States. He has represented many members of Congress including me, so he has a wealth of experience in recent cases and also represents the Democratic Congressional Campaign Committee. From 1973 to 1994, Mr. Hebert served in many supervisory capacities at the Department of Justice, including acting chief, deputy chief, and special litigation counsel in the voting section of the Civil Rights Division. In addition to his Civil Rights practice, Mr. Hebert is an adjunct Professor of Law at Georgetown University Law Center in Washington, D.C. where, since

1995, he has taught courses on voting rights, election law and campaign financed regulation. He has also authored a number of law journal articles and other publications on redistricting and the Voting Rights Act.

Our next speaker after that will be Judith Browne who is an Attorney in the Washington, D.C. office of the Advancement Project, a policy and legal action organization advancing universal opportunity and a racially just democracy. Most recently, Ms. Browne has been part of a team of attorneys investigating Civil Rights violations related to the election in Florida. She has assisted the NAACP in its hearings in the Miami - Dade area and has spent a significant amount of time in Florida investigating complaints of voting rights violations. She's also worked for the NAACP Legal Defense and Educational Fund, practicing in areas of housing, education, employment and voting rights. Most notably, Ms. Browne was the lead counsel in a lawsuit against the State of Maryland for failure to fully implement the motor voter law.

Henry Marsh is a State Senator in the Virginia State Legislature. Before his election to the Senate in 1991, he served on the Richmond City Council from 1966 to 1991, and was elected Vice Mayor in 1970 and in 1977 was elected Richmond's First African American Mayor. He earned his law degree from Howard University, and has been involved in some of the most important Civil Rights cases in Virginia and the United States for the last 40 years. Among other accomplishments, he is the co-founder of the Richmond Renaissance, a bi-racial public-private partnership to preserve, promote and develop the City of Richmond. His numerous awards for public service and

leadership include the Virginia Power Strong Men and Women, Excellence in Leadership Award in 1998 and the National Conference of Christians and Jews Humanitarian Award in 1994.

Cynthia Downs-Taylor is the current Virginia State Director of the NAACP National Voter Fund. As such, she is responsible for coordinating and implementing a statewide voter empowerment program in conjunction with local branches of the NAACP. I notice several branch presidents here with us today. Cynthia served as field director for both the Don Beyer for Governor Campaign and my own Congressional campaign in 1992. She also served on my Congressional staff as my Constituent Service Representative. A strong advocate for children, Cynthia served in supervisory positions in the Bureau of Child Welfare Services in the Virginia Department of Social Services, including the One Church, One Child Adoption Program. She's been active in both the Newport News and Virginia State NAACP and has received numerous awards for community service, including the Peninsula YWCA's Community Service Award and the Black History Awareness Society's Outstanding Community Leadership Award.

We'll have our presentations first and then we'll have comments from the audience. Gerry, we'll hear from you first.

MR. HEBERT: Thank you Congressman Scott and thank you for conducting this forum which I think is not only going to be informative for us people that practice voting rights everyday but hearing from people here in Virginia about the problems that may still exist as people try to exercise their constitutional right and what I

consider the most sacred and fundamental right we have in America and that's the right to vote.

There are, as Congressman Scott said, provisions that protect the right to vote and federal statutes in particular that protect black voters and particularly the minority voters and Hispanic voters and Asian American voters because those groups have suffered usually a long history of discrimination.

Take black voters in Virginia. In 1965, when the Voting Rights Act was enacted by Congress, Virginia at that time had several laws on the books and policies that were specifically aimed at disenfranchising the black voters in this state. They had the requirement that you pass a literacy test, they had a requirement that you pay a poll tax and eventually these provisions got struck down in the courts or in the case of literacy tests got banned under the Voting Rights Act. Black voters started to be able to register for the first time and cast ballots. Then as time emerged since 1965 when the Voting Rights Act was passed, we had extensions of it, we had provisions of it over time. We now sit on the verge of the 2000 census having been taken and on the verge of redistricting that's about to take place next year.

The Voting Rights Act itself has two major provisions that you should be aware of, to protect your right to vote free from discrimination. The first is Section 5. Now, Virginia is one of nine states that's covered in whole or part by Section 5, the pre-clearance provision. Now, what does that mean? It means anytime that Virginia or any of its political subdivision tries to make any change that affects voters in anyway, even if it's positive or even if they want to extend the

hours that the polls are open or they want to hold a voter registration site at a particular place, they have to get approval in advance from the Justice Department or from a Federal Court in Washington, D.C.

Now, why should Virginia have to do this? The answer is that Virginia had in place at the time that the voting rights passed a literacy test and it also had in place less than 50 percent of the voting age population of the state voting. Those were the formulas that produced Virginia being covered as one of the states covered in its inception at the time the Voting Rights Acts passed. So each and every time from 1965 to the present, any time the State Board of Elections or your local registrar or local Board of Elections wants to make a change, whether it's moving a polling place or redistricting, they have to get prior approval. It's called pre-clearance and not post-clearance from the Department of Justice or from a special court in Washington, D.C. They have to show the Justice Department or that special court that whatever they want to do it's free of racial discrimination, both in its purpose and in its effect that it's not motivated by indiscriminatory intent against black voters and it's not going to have those adverse consequences. That's the burden imposed upon Virginia because of its long history of discrimination as I mentioned earlier.

So we have a certain insurance policy here in Virginia that requires jurisdictions to demonstrate, before they do anything new, and that's the key word in here new. To demonstrate the absence of a discriminatory purpose or effect. What if they don't do anything new and it's the same old same old and they haven't changed it over the years, but they have voting machines always breaking down in the black

community, just the black community or what if they staff enough ballots in the black precincts, in the black polling places so that there are long lines of people and they get discouraged and don't show up. What if there aren't enough polling officials assigned to some polling places so that lines emerge.

There's another provision of the Voting Rights Act that applies to situations like that and it's called a Section 2 provision to the Voting Rights Act and that's the second major enforcement provision. This is an interesting provision because it allows people to file a lawsuit and go into court challenging a particular voting practice or procedure. What Section 2 actually says and I'll just give you a little example for some of the things that it makes clear. It is violated whenever it is shown that the political process itself, leading up to the nomination of a candidate in an election or the election of a candidate which voters participate in is not both equally open to both black citizens and other citizens or Hispanic citizens and other citizens or Asian citizens or Native American Citizens and other citizens. In other words, that minority voters have less opportunity than other members of the electorate to participate effectively in the political process.

Now, if you look at Miami - Dade and just think about some recent history, you saw a huge undercount in Miami - Dade and West Palm Beach that disproportionately affected who? It disproportionately affected minority voters. The largest percentage of African Americans share a precinct with a higher number of African American voters and showed a higher proportion of under votes compared to the precincts which were white or Hispanic. This

disproportionate undercount I would argue is a voting procedure that was instituted in these particular places. These were voting procedures that were used that were not necessarily designed to produce the undercount but in fact, had that affect. It's undeniable and we know what the undercount was by race. So we know that it disproportionately undercounted minority voters.

In a recent study that the New York Times printed that predominantly black precincts saw their votes drop out at twice the rate of Hispanic precincts, nearly four times the rate of white precincts. That's a pretty substantial disproportionate affect. It doesn't take a rocket scientist to figure out why the margin is so close and that by counting all the votes would have made a difference.

Now, how can we use Section 2 to go after these kinds of practices and that's what I think Congressman Scott is really wanting us to talk about. Under Section 2, clearly under the pre-clearance provisions we can block discriminatory practices by going to the Justice Department and asking the Justice Department not to approve them. How can we stop some practices that seem to be chronic and plague elections in Virginia? I'm going to give you an example of where black voters actually went to court in Mississippi to stop the voting practices in the 1990's and we're not talking about ancient history.

In a case called Push v. Elaine, let's see what happened to black voters in Mississippi. Under the Mississippi system, voters were required to register to vote not once but they had to register to vote twice called the dual registration requirement. Under the Mississippi system, voters were required to register with the County Clerk to vote in

federal, state and county elections but then they also had to register separately with the municipal city clerk in order to vote in city elections. So you had to register to vote twice. This system was challenged by black voters in a case called Operation Push v. Elaine. The court found the system violated Section 2 of the voting rights act, noting that the dual registration requirement but that I just mentioned, resulting in black citizens in Mississippi registering to vote at a rate 25% lower than the white citizens. That's a pretty substantial difference. It seems to me that you'll find that same reason to under vote in the Miami - Dade and Palm Beach County case. I think that shows that black voters there too were deprived of an opportunity to cast an effective ballot. That level is much higher than those that were present in the Push case.

What can we do to bring these Section 2 cases, and who will be bringing them? Well, this is where my experience with the Justice Department as a lawyer comes into play. I used to be head of the voting rights section at the Justice Department. I wish I were there now because I know what they can do. They can protect the right to vote which is what they're suppose to do. They can file lawsuits and they have resources. Ordinary citizens like us don't have the resources to go into federal courts and file lawsuits over the manipulation of voting precincts. The failure to put machines at work in black polling places. The Justice Department has almost unlimited resources to do those things, to do those kinds of investigations. It's one of the things I would call upon Janet Reno in the Civil Rights Division is to investigate each and every complaint and to use the resources that they have. To do it without regard to whether it's Democratic officials or Republican

officials because this is not a political issue but this is, this is an issue about race and ethnicity and it's about the right to vote and the right to be treated equally and fairly.

Now, what can you do? You can call the Justice Department and they have an 800 number which I brought with me, so you can call them up. If you know the voting practice today, tomorrow or a year from now, that 800 number is a toll free call and it's 1-800-253-3931 and ask for extension 76302. That's a big extension and they've got a lot of folks there who can handle complaints and do something about it. I'll give you that number one more time. 1-800-253-3931 extension 76302.

Now, I just want to close on a couple of things. I travel nationwide and represent voters right now in Arizona, Mississippi, Alabama, Texas, North Carolina and I represent local governments in those states as well. What I saw in the last election from across the country and I'll give it to you very quick and summary and then I'll give you a sampling of some of the things that went on.

In Fort Worth, Texas, for example, they have an early voting system where you can actually go to the polls before the election is actually held and you can go to certain polling places and cast your vote earlier. So if you find it inconvenient to go on Election Day, you can vote early. It's called early vote. That's to make voting more convenient and to ensure a greater number of people vote. Wouldn't you know that some of the black citizens went to go and cast their ballots in some of the predominantly black areas and that they were videotaped by people as they were going in with threats that they would

be prosecuted for voter fraud if they did anything illegal. That strikes me as a discriminatory voting practice. What we did is we called the Justice Department when we found out that was going on. They in turn called the state officials in Texas and the local officials in Fort Worth and it stopped that afternoon. Then we stationed someone there with a cell phone to call us in the event it happened again. It did happen again two days later. They thought if they waited a day nothing would happen and they did it again and they weren't successful. So we had state officials and local officials take action and that practice stopped.

In New Jersey in the last election, it was reported that a lot of African Americans who had voted in the previous elections found that their names had been removed from the voter registration rolls. Now, this is one statement that you all should remember and take home with you tonight, if you remember nothing else from what I said, remember this, you cannot be purged for non-voting anymore, you cannot be purged for non-voting anymore. If you don't vote and the voter Registrar sends a postcard to your house asking you to update your voter file and it comes back undeliverable then if two federal elections go by, you can then be sent a second notice and then be taken off the roles because presumably you moved but not because you didn't vote. That's one thing that the Motor Voter Bill, as we call it, protects people.

Finally, here in Virginia and I know some of you might be familiar with this, but one of the things that I would like to touch upon because I represent a number of counties in Virginia right now as my clients. One of the things that the voter registers tell me is that a lot of

people who go to the polls to vote and think that they registered at the DMV office or Social Services office suddenly go to the polls to vote and find out their not registered. In fact, some of the registers tell me that upwards of 30 to 40 percent of all people that try to register to vote at DMV get applications rejected when they go to the registration office because they haven't filled out the form correctly.

You may remember a Governor we had here in Virginia named Governor Allen, now U.S. Senator. He fought the implementation of the Motor Voter Bill in Virginia. In fact, I had to sue him in order to force the State of Virginia to comply with the Motor Voter Bill and implement it here. He claimed it was an unfunded federal mandate and he refused to implement it. So he and a couple of other Governors, who happen to be Republican, tried to say that they weren't going to implement it and it was a federal law passed by the United States Congress. We have something fortunately called the Supremacy Clause which is part of the Constitution and eventually Governor Allen was forced to implement it. When I say implement it, I'm not overstating the case because here in Virginia I really don't think they implemented the Motor Voter Bill. They really had to train the DMV officials to make sure that when people do fill out part of the application that they are registered to vote and that they've done it correctly. That being done and a lawsuit, if you find that a disproportionate number of African Americans in a particular place or Hispanics or Asians are having their applications rejected because of the failure of the State of Virginia to properly train those people then that's a denial of an effective and equal opportunity to register to vote. Those

are the pursuits I see coming down in the months ahead.

Finally, let me just say this, many of you in this room are a lot older than me and after about 30 years of doing this Civil Rights work I know one thing. I know that people died in this country for the right to vote and it wasn't ancient history. I know a lot of blood was spilled in order to give us the right to cast a ballot on Election Day. I try to devote everyday of my life to making sure that that becomes a reality. The Voting Rights Acts is not just a law, it's the crown jewel of civil rights. Thank you very much.

CONGRESSMAN SCOTT: One of the people that's been working for years for the right to vote just joined us, a former Mayor of Hopewell and member of City Council, Curtis Harris. We've also been joined by Senator Benny Lambert. Let me just say one thing before we go forward about the Voting Rights Act. There's an e-mail going around the world that hasn't stop that suggests that African Americans will lose their right to vote unless Congress takes a particular action. The part that Congress needs to take action on is re-authorizing Section 5. The rest of the Constitution and right to vote will not be affected. We need to extend Section 5 to 2007 but the right to vote does not evaporate as a result of Congressional inaction.

There's one other election official present, Sherrin Alsop who's here, Sherrin would you stand up. Thank you. Judy Brown.

JUDITH A. BROWNE: Thank you Congressman Scott and members of the panel, constituents of Virginia's Third Congressional District, thank you for having me here today to discuss this very important and timely issue and an issue which is actually close

to my heart now because I have spent a significant amount of time since November 7th on the ground in Florida talking to people and investigating Civil Rights violations. In the aftermath of what can only be described as the most chaotic and infamous election in American History the complaints of thousands of African Americans who were disenfranchised on November 7th have been dismissed, discounted and discredited. We have folks who have come forward to say that on November 7th I was registered and I had voted before, I am a citizen, I am not a convicted felon. I showed up with my registration card ready to vote because the NAACP and other organizations put millions of dollars into voter turnout and I understand the importance of voting. I got to the poll and I was turned away. People are saying maybe it's just a random act, maybe it was just that one person who moved and didn't know what to do, maybe we need more voter education, which I will say we do need. When you look at the evidence in Florida, the evidence shows that there was a systematic disenfranchisement of African Americans on November 7th. I spent a lot of time in Florida and I also heard some of the complaints in Virginia.

As part of the coalition of Civil Rights lawyers who converged on Florida in response to hundreds of complaints that the NAACP received after November 7th, I have seen evidence of Jim Crow type disenfranchisement techniques. I interviewed witnesses and I talked to people who work for voter registration drives and I've talked to poll workers, I've been there on the ground talking to folks. I can tell you that poll workers who have worked for 20 years in the polls in predominantly black precincts said they have never seen the number of

people turned away on November 7th, 2000 in all of their 20 years. That there was nothing they could do for these people. I want to spend some of my time talking about some of the abuses because I think while I'm talking about Florida there are probably a lot of similar circumstances that happened here in Virginia.

In Florida, some of the things that happened were again African Americans. For example, a person who has voted said in 1970 and lived in the same place for 20 years and never had a problem voting and voted in every election going to the polls. In Florida, you have to have your identification and your Voter Registration Card and identification is required. Going to the polls and handing over the Voter Registration Card, the I.D. and the poll workers looking through the book and saying you're not here, go over to that line over there. Many of us can understand that problem. Go over to the problem line. Then they go over to the problem line and what they're told when they get there is well, we have to call into the Board of Supervisors and that line has been busy all day. Poll workers who said all day long from 7 a.m. to 7 p.m. they didn't get through to the Board of Supervisors one time. These people who were just denied the right to vote were not given affidavit ballots, they were told sorry. In fact, one woman was told sorry, come back tomorrow, November 8th which would not help her.

There were allegations of folks who went to the polls, African Americans being asked for I.D. and whites who were not asked for I.D.s. There were people who were told, oh, there's a problem and when they called to follow up, they were told they were convicted felons and they had not been convicted of a felon. In the State of

Florida, you cannot vote if you are convicted of a felony unless you restore your rights. Some of the voters were told that there was a problem and that they needed to go to another polling place. They were sent to another polling place and that polling place saying you're not on the list here and then sent to another polling place and told you're not on the list here. No poll worker taking the time to telephone exactly where they needed to be.

Now, in Florida, there was some evidence, in fact, when there was a problem you're suppose to go to the problem line so that the clerk can call the Board of Supervisors. What would happen is that in Miami - Dade, what happened is that the Board of Supervisors provided laptop disproportionately to the Hispanic Community so that when someone came in with a problem they could just connect into the Board of Supervisors and clear up the problem on their own. In the black precincts where we have no technology but a telephone, you had to call in and if you didn't get through, too bad. Some people waited for hours, others gave their phone numbers because the poll workers said give me your phone number and I'll call you once I get through. The person would give their phone number and never get a call back and come back right before 7:00 o'clock when the polling places were closing and were told sorry, I didn't get through all day.

The other problem which is very close to what happened historically was the moving of polling places without notice. One woman went to four different places looking for her place to vote. She had voted in the primary at a high school and that polling place was closed on Election Day and she didn't receive notice. There were

several other people in that community looking for that polling place. This woman went to four different places and by the time she got to the fourth, they said you're not on the rolls here, they didn't tell her where to go and what they did tell her is by the way, it's too late anyway.

Intimidation, threats, harassment of African American voters. It still happens in the Year 2000 and it did on November 7th. On that date there were police stops and checkpoints and in fact, you may have read about a police stop in Leon County in which the police had actually set up a checkpoint for vehicle inspections and seatbelts but admittedly did not follow proper protocol in setting up that police checkpoint. African Americans in that community which was a predominantly black precinct, said that we never had a checkpoint for seatbelts before but on November 7th they saw fit to do this. State Troopers in the State of Florida who set up these checkpoints did not go through getting it cleared and did not publish it in the newspaper like their suppose to do. In fact, they stopped African Americans on their way to polling places. In other communities we received complaints of other kinds of checkpoints set up on blocks that were dead end blocks, streets leading to polling places. What is that all about.

In another community, in Gaston County the State Troopers put their patrol cars or parked them outside of the black precincts and this had never been done on Election Day and this was a predominantly black community. They just put their cars out there. They weren't there themselves but they just put them outside but that didn't make the people feel safe. In small communities like Gaston County people understand what that is about and they understand that's

sending them a signal of what they should and should not do.

Absentee ballot irregularities. In Florida there were several people that asked for an absentee ballot and they were told when they called, oh, we've already sent that out but the person did not receive it. The problem is that if you received one then you can't go into the polls and vote because they said you already cast your ballot. People that asked for one and didn't get one. There were a lot of absentee ballot irregularities. Why that is important to the African American community is because in the State of Florida, African Americans disproportionately vote by absentee ballot. In the Haitian Community, Haitian Americans were disenfranchised by the problems of language assistance. There was a requirement in Miami - Dade that was passed by the County that they were required to provide ballots in Creole in 47 precincts and those ballots were not available but in addition to which people who needed assistance who never voted before and this is the first time they had voted in this Democracy and they were very excited about it. They go to the polls and they don't understand the whole process and they ask for assistance and they see other Creole speaking people and ask for assistance and the poll worker tells them no, you cannot have assistance. The poll workers don't tell them how to work the machines and the poll workers don't give them Creole ballots.

In Virginia some of the complaints, we helped staff the hotline for the NAACP on November 7th and there were several complaints from the State of Virginia. Two separate categories that come to light when you look at the pattern of complaints. One is from students at Norfolk State who complained about putting together a

Voter Registration Drive, bringing in registration and bringing it in on time and people who registered in the Voter Registration Drive showing up and not being able to vote because they were told they were not on the registration list. The same thing happened at Bethune Cookman College in Florida. These were Registration Drives that were done by student organizations, by the NAACP, by the Arrive at 5. There were a lot of complaints about people who registered on the Tom Joyner Show. People who got the registration card called into a 1-800 number and got the application and filled it out and returned it on time and then found out that they were not on the roll.

The most common complaint in Virginia, which Jerry talked about, actually was the Motor Voter problem. Most of those complaints were from people in Social Service offices who claimed they had registered to vote through the Social Service Agency and went to the polls and told they were not on the roll. I tell you those complaints came from Norfolk, Hampton, Newport News and Virginia Beach. That problem is understandable in a state that was recalcitrant and decided they were not going to comply from day one with the Motor Voter Legislation. What would we expect?

I litigated a case in Maryland in which Maryland decided this is a good thing and we're going to comply with it but when we looked at the number of people who were being registered in Social Service Offices, Maryland was at the bottom of the list in rankings. A very low percentage of people that went into the Social Service Office were registered. Maryland said well, the problem is that people on Social Services don't want to vote which is not true. We went out and

investigated and people weren't being offered the opportunity. Then for them to turnaround and tell us that and then what happens is that I actually went into Motor Vehicles to get my own license and was not offered the opportunity to vote. I said what is that, not only do you have a problem in Social Services but you have a problem with Motor Vehicles. What was happening is that the people were not trained. The people in those Agencies thought it was optional. What they did in the Motor Vehicle offices and we had evidence of this, because the workers that were there, they would tear off the Voter Registration part and throw it in the can because they thought it was there option to offer someone an opportunity to register to vote. So until Maryland decided to come to the table and settle the case and train people, so they understood how important this was and this was part of their job in addition to doing the Motor Vehicle stuff and giving people social services, they were just not going to do it. Now you walk into a Motor Vehicle office, and I'm not saying it's perfect, but you walk into a Motor Vehicle office in the State of Maryland there are signs everywhere about being able to register to vote there. So I can imagine that Virginia, who said they were not going to comply with that law anyway had not gotten to the point where they are ready to comply, where people in Social Service offices which disproportionately affects African Americans, when they were being denied that opportunity. When taken altogether the allegations of exclusion and intimidation that the Civil Rights investigation has thus far uncovered, we know that there is a pattern of disenfranchisement of large numbers of minority voters.

The enhancement project and our partners, the Lawyers Committee for Civil Rights, the NAACP, People for the American Way will continue to investigate this and I will tell you that we do plan on filing a lawsuit. That lawsuit will be used to fix the system. I will tell you the first lawsuit will be filed in Florida and other states, you need not worry, Virginia. We are investigating here too and also in North Carolina and other states where there has been massive disenfranchisement of African Americans. Of course, this is a very important issue to us and for African Americans in particular who have died for this right we will continue to fight for it. We will not give up and we will not in 2007 say that we have lost that right. We will fight under the Voting Rights Act. Next time around we hope there will not be these problems. We also need to have voter education programs so that people know when they go to the poll that I have a right to demand a ballot. One of the problems that folks didn't know that no matter what, they should not have turned you away from the polls. They should have found a way for you to exercise your right to vote on November 7th. Thank you.

CONGRESSMAN SCOTT: Thank you. We've been joined by Delegate Viola Baskerville. Senator Marsh.

SENATOR MARSH: Good evening, since you have taken all of my time, I will just say hello. Thank you very much. I do want to emphasize a little bit about what Gerald said about Virginia. I was assigned the responsibility to talk about what happened in Virginia in the past. Reverend Harris and I are old enough to remember the poll tax prior to 1965 or 1964 really when Lt. Governor Howell fought and won

the suit which was Howell v. Mann outlawing the poll tax in Virginia. If you had not voted previously you had to pay a poll tax for three years. That amounted to five dollars but with interest a dollar and a half a year, five dollars in the 50-s and 60-s was, would be like \$30 or \$40 now. Many people simply could not afford to pay it. The Crusade for Voters used to raise money to pay that \$5 so people could register to vote. That was a serious impediment to voting and Lt. Governor Howell paid dearly for filing that lawsuit and that was prior to the Voting Rights Act.

Another practice they had was black registration in Virginia. There were ten questions that each voter had to answer in order to register. Rather than give you the ten questions which some counties did, Southside Virginia gave you a blank piece of paper and in Norfolk too. You had to remember the questions in proper sequence and remember the answers. Some of the questions had fancy words like where you lived previously and there were a whole lot of words that people didn't understand but the NAACP Chapters around Virginia taught people the questions and taught people the answers. My partner, S. W. Tucker who practiced in Emporia taught thousands of voters to memorize that question, fingers on your hands and memorizing the answers and they voted in large numbers. Mr. Tucker filed a lawsuit and I was a part of that suit, that type of registration was outlawed in Virginia using that procedure in Virginia prior to the Voting Rights Act. In fact when Virginia tried to get out from under it, we were in Congress to testify and we had the evidence in the court hearing saying this is what Virginia did last year and that's what happened.

There were other more sophisticated practices. Many of the registration people were white elderly women and they had registration in their homes and blacks were afraid to go into those homes to register because they were afraid that they might be accused of rape so they just stayed away from those places. That kept thousands of persons from registering in Virginia. As recently as a few years ago, after the Voting Rights Act was passed, I happened to have been in the Legislature when Congress passed a Motor Voter Act and there was resistance by our Governor George somebody said he wouldn't let that act be enacted in Virginia because it was a federal government mandate on telling us what to do and every other state except one accepted it but he resisted it and that was taken to court forcing Virginia to accept the Motor Voter Act. Even now as I understand it, the officials at the Motor Vehicles operations are not trained and do not encourage people to exercise their right. It's still a problem and not fully in compliance.

As late as last year, the General Assembly pushed through a Voter I.D. requirement. With all that history and many elderly and semi-elderly voters, they forced a voter I.D. requirement on people of Virginia knowing that many people would stay away and in a sense it was a literacy test because if you didn't have your I.D. and many elderly people don't have an I.D., you had to fill out an affidavit saying who you were and swearing that everything on your affidavit was true. If you couldn't write, you couldn't read and you probably were reluctant to sign the affidavit. We fought that battle in the General Assembly and we lost and that I.D. and some of the practices that you may hear about from the people here today, that I.D. requirement did deter some people

from voting.

You know, it's interesting, when I first began my public service career, there were very few black elected officials, perhaps a hundred all over the country. I had to go through Atlanta and join the Southern Regional Council to participate with a group of good thinking white people that were speaking up for black people because we didn't have black elected officials. That was before Carl Stokes and Hatcher and other folks were elected. We've come full circle. We now have black officials who can speak for themselves but still the practices that existed back in the early 60's and 70's are being perpetrated in a more sophisticated form. As you'll hear tonight the fight for freedom has to be fought in every generation over and over and over.

CONGRESSMAN SCOTT: Cynthia Downs-Taylor.

MRS. DOWNS-TAYLOR: Good evening, the one good thing about coming last, you can always say that everything you planned on saying has already been said. I do want to take a few minutes though to thank Congressman Scott for calling this hearing. I also want to thank the many of you that work with us, the National Voter Fund on Election Day and leading up to Election Day to register people to vote. My story is out here. I want part of my story to stand up right now, all of you who worked with us on Election Day registering folks to vote prior to Election Day, NAACP branches, the SCLC along with the Ministerial Association. Selma with Richmond Redevelopment and Housing, Tommy Bennett with the Tom Joyner Morning Show, would all of you people stand up and the rest of you who assisted with our voter registration effort this year. Will you all stand up? Thank you

all very much for the effort you made and for all the work that we did to make sure that African American citizens got an opportunity to exercise their right to vote on Election Day. Thank you very much. Everything you talk about Gerry and Judy definitely happened in Virginia. We started out a little over six months ago, and we being the NAACP National Voter Fund, a newly formed organization separate from our parent organization the National NAACP. Due to the national tax exempt status, the terrible tax exempt status, the National was unable to do a lot of things that they wanted to do in terms of voter education and issue advocacy. As a result, they started the National NAACP Voter Fund, a 501C4 organization.

In August of this year, I was hired as the State Director for the National Voter Fund. I was very much excited to have an opportunity once in a lifetime to get the resources to do the Voter Registration and Voter Education and Voter Mobilization Program with my fellow sisters and brothers and the NAACP. We went out and recruited almost 29 branches and folks with civic organizations, ministerial associations, we recruited them and gave them rent funds and those organizations implemented full scale voter empowerment programs.

As you know in the past, the NAACP, we're always very active in registering persons to vote, very, very active in educating persons on the issues in terms of those candidates who basically supported pro civil rights positions. But this time we didn't have to stop with voter registration. With the National Voter Fund resources, we were able to deal with both education and voter mobilization. Let me

tell you we worked very hard to turn out to vote.

I didn't realize what would happen until Election Day even though we had been forewarned from the National Organization. We were told about voter harassment and we were told to be on the look out for voter fraud. We were told all types of things. Voter fraud is not only on our part but on the part of election officials. I want to make sure we get that clear. Everything you heard about up here tonight you will hear again from people out there. It started with the voter I.D. that little law that was implemented in July that was suppose to prevent voter fraud. It's very strange when Senator Marsh talks about the history of voter registration in Virginia. It seems like whenever these new laws come in, they come in to prevent voter fraud but it seems like they only think that we're the only ones out there trying to create a problem because it always has a negative impact on us, always. With voter identification problems and you're going to hear about them tonight. I think the one glaring problem I found was the election officials were untrained, they simply didn't know or they claimed they didn't know that persons did not have to have a voter I.D. that they could sign an affirmation.

It's very ironic as I went around to several of the registrars offices and I asked them to show me what are you using to inform and educate the citizens about this new law. In the City of Newport News, they said in order to vote this upcoming election you are required to have one of the six forms of I.D. Nothing wrong with that except they failed to put on the piece of paper that if you don't have one of the six forms that you can sign an affirmation saying you can still vote. None

of that information ever went out.

Again, voter I.D. problems. We have persons showing up who have moved within the 30 days and they had their I.D. and their name was on the form and the voter I.D. is simply a piece of paper that says you have your voter registration card and that you are or you aren't that person. It just so happened the lady said her voter I.D. was her driver's license and had an old address on it and because of that she was told she couldn't vote. She wasn't even given an opportunity to maybe go check on it or even change it there which they could have done. She was told she couldn't vote and turned around and denied the opportunity to vote. The voter I.D. problem continued during the entire Election Day.

DMV Registration. We're still, Congressman Scott, I can tell you what happens with DMV. They said it's not their job to register people to vote, it's their job to help people get driver's licenses and to assist them with driving problems so therefore, that was not a priority of theirs. We're still unsure what happened to the forms once they were completed. Did they or did someone not inform them or were they just put aside, did they send them to the Registrar or did the Registrar drop the ball and fail to notify persons that their applications were incomplete or what happened with the DMV registration?

Then we go to voting intimidation. Congressman Scott, in Newport News, Virginia, here are pictures of a precinct in Newport News, a park precinct. Not only Newport News but we had State Troopers parked in front. I witnessed two drug busts going down before ten o'clock on Tuesday morning. I'm aware of a couple of

persons who said they also witnessed a drug bust going down in Newport News on Election Day. You know, Senator Maxwell used to have a statement, we'd have a statement we would say when we go on the highway and we'd see a lot of police and patrol cars, the neighborhood is hot out there today, you be careful. In Newport News the City was hot on Election Day because people were on every corner almost. So it was in Norfolk as well as in Richmond and we had the same type of reports coming in.

Then we can go into another area and this person is going to testify people were told they couldn't take their sample ballots into the polling places. Have you ever heard of such a thing. They were made to sign the ballots before they could enter the polling place. A person would say that doesn't mean a whole lot but it does. If you've got two candidates that are running and the names are very similar such as a Lawrence Davies and a Joanne Davis and you just forget because you don't have your sample ballot to check and see which one you would vote for.

Then also we're aware of somebody is still trying to see if they can backtrack and find the sample ballots that were put out by the Republican party. We had a Lawrence Davies and a Joanne Davis running. Also in the First Congressional District, one of my volunteers said that there were so many Republican poll workers that he literally had to push his way through in order to vote on Election Day. It was just that intimidating.

We can go on and talk about Fairfax, Virginia where the registrar was accepting fax voter registration cards not to mention the

long lines, we kept getting calls from Richmond about the long line. We had an election official who worked one of the polls in Richmond who and I don't think she made it out tonight because she was recently discharged from the hospital. She talked about how she had worked more than 20 years in that precinct and never before, seen so many persons turned away and denied an opportunity to vote. She felt very upset.

We can go on, and on, and on and talk about it but unless we make some changes starting with even the registration application, I called the Registrar after the election November 7th and I asked for a count of how many of the registration applications were invalid. No, we can't give you the number. I called two or three and no one would give me a number. I asked can you tell me why so many of them considered invalid. She told me most of them were invalid because of question number 12. I went back and got a voter registration application and tried to figure out what was wrong with question 12. Nothing was wrong with question number 12 except it appears on the upper half of this paper after you've signed the registration application stating all the information you complied with and completed is okay, true and correct. This question is on the back and it's required information and if you didn't fill this out, your application was invalid. We don't know if it's correct or not. The DMV registration form is the same way. You sign it before you complete it. It hit me what was going on. This is required information and if you fail to complete it then the application is invalid.

As I say, I could go on and on but my story is out in the

audience. We've asked persons who called in complaints to come forward tonight and let you hear their story but the story won't stop here and it's just beginning. We have to do everything within our power to make sure number one that we're not only training our constituencies but we also train those persons who we elect to represent us and who provide services to us. The election officials be it the Registrars or other persons involved with the electoral process in Virginia. There's one amazing thing here in Virginia and I'm wondering why we don't have representation from the Governor's office or do we? More importantly, do we have representation from the Attorney General's Office, do we? I think when you leave out of here tonight, you need to ask the same question and make sure your voice is heard throughout the State of Virginia, where were you tonight? Thank you very much.

CONGRESSMAN SCOTT: We have several organizations that have signed up to testify beginning with the State NAACP Executive Director, Salim Khalfani. I'd ask you to keep your comments as brief as possible. If someone else says officially the same thing happened to you, you don't have to repeat each and every word and you can say the same thing happened to me so that we can hear from as many people as possible. No one said anything before you got here so that doesn't apply to you. We'd like you to keep your remarks as concise as possible. Mr. Khalfani.

MR. KHALFANI: Thank you Congressman Scott and members of the illustrious panel. Listening to your presentations I'm fired up and I'm mad as hell but this is just getting worse. One of the things I'd like to bring to your attention from the Virginia State

Conference and the NAACP. Two of the major contradictions to our enfranchisement during this election was the voter I.D. law and the real slick addition to this voting process which was the Constitutional Amendment saying that hunting and fishing was being threatened in Virginia so that brought out a certain element in Virginia to participate in this election and to hinder our enfranchisement.

We got complaints from Amelia County, Newport News, Hampton, Richmond, Chesterfield, Henrico, Norfolk, Brunswick which includes St. Paul's College. State Board of Elections ran out of forms during the late summer and early fall. How the heck does the State Board of Elections run out of registration forms? We called them up and they told us make copies of the registration forms and on the registration form it says that if you duplicate this it's punishable by such and such. They run out of the forms so here we are trying to increase the process and we don't have forms to work with.

We could not reach Registrar's offices in Richmond and other areas, machines not working in various polling places, including mine. Everywhere I went, seven precincts in Richmond, almost everyone had one or two broken down machines. Poll workers were not trained and giving out misinformation. I witnessed watching people say if I don't have that I.D. well, no I.D., no right to vote and turned people away. I had to intervene twice myself. DMV applications were rejected or destroyed or went out into the universe somewhere.

People went to the polls and were told they were not registered and were not offered assistance. The forms itself, Mrs. Downs-Taylor talked about were problematic. The police presence in

black precincts, long lines and waits were very discouraging, especially when you go on your lunch break or before you go to work. You know Master is going to be mad when you're late returning to the plantation. People not receiving their registration cards or getting them late so they didn't even know where to go, whose fault is that? Telephone calls were made using the NAACP name saying vote for the Georges, George Bush, George Allen and George of the Jungle. We didn't authorize anybody to announce or to say vote for a particular candidate. These are some of the complaints that we have received.

I'm representing the people out here and we are fired up, fired up and we ain't taking it no more. So something better be done up here in Virginia because the people out here are not happy.

CONGRESSMAN SCOTT: Melvin Law, President of the Richmond Crusade for Voters.

MELVIN LAW: Good evening ladies and gentlemen. Congressman Scott, I would like to congratulate you for having the wisdom to hold this hearing. I like the speaker before me am very angry. I didn't take my evening blood pressure medication but I'm going to go with this anyway. The same complaints you heard, the Crusade for Voters heard and I won't enumerate what they are.

Ladies and gentlemen, I truly regret that we are witnessing this chapter in American History. This time last year we were all worried about Y2K problems. What happened when January 1 came, did the universe tilt on its axis and start spinning backwards? No, that didn't happen until November 7th and it's mind boggling to think that there's been a grand theft in this nation which has been supported by the

Supreme Court. It's unspeakable and unthinkable to think that this is the year 2000 and it seems more like it's 1900.

Ladies and gentlemen, I'll tell you for a certainty, it's my honest feeling and I am not speaking for the Crusade for Voters Rights now, this is Melvin Law. I honestly feel that the Bush Brothers have redefined in very sophisticated terms the term bushwhacking, that we, who have been indirectly been accused of being the great perpetrators of gross voter fraud are the victims now of these massive tactics that are insulting to anyone who calls himself civilized.

Ladies and gentlemen, I'm not just going to give you complaints and vent my feelings on you but I'm going to give you some suggestions for changing the situation so it does not ever happen again in America.

First of all, there should be one question at DMV regarding voter registration. That question should be *Do you wish to be a registered voter, check yes or no.* One question. All the other information they have, they have that when you get your driver's license so why do you need to list twice where you live? You get your license they ask you to do it again. Secondly, that's a stopgap measure to get through these problems until we become civilized enough to automatically register all persons when they become 18 in the first place. Voter registration should be a matter of right that you do not have to jump through hoops to get on some rolls. If you turn 18 you're automatically on the rolls to be registered to vote. Secondly, we should support the elimination of punch card ballots wherever they exists. You do not have to be old to have an unsteady hand. If I had to punch a

punch card ballot right now, there would probably be three dimples before I got the right one because I'm so angry over what has happened. Not only that, who is the guardian of those blank ballots before they are given to the voter? Is it conceivable that some of those ballots were pre-dimpled when the voters received them? Think about it. If people are going to be permitted to vote and if people are going to be allowed to take absentee ballots away from the registrar's office and change information on them, that could happen in Virginia because technicalities like not answering question 12 would get the ballot thrown out. Where you have people taking absentee ballots and changing information that's okay in Florida and the Supreme Court tells us about some violation of equal protection of the law. Where is our equal protection under the law?

Ladies and gentlemen, another recommendation is one and Senator Marsh has already said to me, some of these things may be constitutionally complicated. Be that as it may, the Constitution is a work in progress and it needs to be amended if it's constitutionally complicated. The Supreme Court has opened the door for the U.S. Congress now to take great latitude in making some laws regarding elections. Every American all over this land should see the same ballot format for the national offices. The Office of President, the Senate, Congress, that should be a standard and not left up to the state or the locality to determine how the ballot would look when it comes to those offices.

I'm not going to recount the Palm Beach shameful disgrace. Ladies and gentlemen, you would expect that the second

name on the ballot, you'd get the second circle even though they had arrows there and yes, you're going to hear some very sophisticated people and look at that word sophisticated, it's sophomoric. People say that ballot was given to fourth graders and all but one passed it. I suspect everybody in this room could navigate through that ballot but that doesn't mean that a significant percentage of persons would get it wrong to the point where it would alter the results and that's what it's designed to do. There are those that will tell you that the local official approving it was a Democrat. We know there's a lot of former Democrats who became Republicans when the dollars get high enough, don't we?

It is regrettable that we're using 1850 technology to count votes after the election. Why not use the latest technology for vote counting and why not use the latest technology for voting? What is wrong with the thumb and palm print for voter I.D.? What is wrong with voting wherever you are in America by going to the right place, a bank or an ATM or anywhere and vote for the candidate of your choice. I read recently where someone is donating money to improve that or at least conduct a study there.

Ladies and gentlemen, in Virginia all voters are suppose to be notified where voting places are and that didn't happen in Richmond, Virginia. The Registrar said to us she made a conscious decision because she was short of staff. Rather than to stuff envelopes and voter I.D. cards and process absentee ballots, is there something discriminatory in that? Who files absentee ballots most often? It is we who are African American so we were given preferential treatment

there. Enough of that sarcasm, ladies and gentlemen, we need to and Congressman I'm sorry to encroach on your time, but one more recommendation.

Isn't it time for America to join the rest of the civilized world in having elections on non-election days. Thank you. I mean elections on non-work days even if you have to declare Election Day a national holiday. Thank you for your time.

CONGRESSMAN SCOTT: Sylvia Wood, President of the Richmond NAACP.

SYLVIA WOOD: Good evening, one thing about coming after Salim Khalfani being the state representative, I would say to you ditto. But I would like to say that many of our constituents that called the Richmond branch of the NAACP said they didn't receive their voter card. When they called the Registrar's office, the lines were busy and they didn't know where to go to vote in the precinct. Many of those persons had to ride around trying to find out where their precinct was and many called the Virginia State Conference and many called the Richmond branch NAACP and those persons may still be riding around trying to find their precinct. Unfortunately, many persons who called the NAACP said on November 8th they received their voter registration card a day after the election. So those persons may not have been persons that had gone to the precinct, gone on election day and voted. We're also concerned about the college student who said they filled out their voter registration form properly and they said they used the college campus address and cancelled their old voter registration card where they lived at their home residence and still when they went to the polls

their names was not on the list. Many people called and said they had a question mark by their name. When they asked about why do I have a question mark by my name the received no answer. Many people said they registered at Social Services and DMV and still they said that when they went to the precinct, their name was not on the list. My concern and we told these individuals to go back to the precinct and fight for your rights because it is your right to vote.

Today I say to you that this year's election allows America to see what the African American community has gone through for many years. This year in 2000 we have given our lives for the right to vote and we still continue to give our lives for the right to vote. We ask persons here tonight to come here and speak before Congressman Scott and election officials but we also ask that you write your other representatives and that you rally behind the NAACP and say every vote counts. Many persons have died but we want you to know in this year 2000, persons are still saying their votes aren't counted and we want you to please come on board with NAACP. Thank you.

CONGRESSMAN SCOTT: Lucy Wells, Henrico County Branch NAACP President.

LUCY WELLS: Good evening Congressman Scott and panelist. I thank you for the privilege to allow me to speak on behalf of Henrico County Branch this afternoon. We had several complaints called to my attention regarding the voting on November 7th. One of them we heard before here in that the people were turned around once they got to the polls that afternoon because they were told they were too late and the lines were very, very long. Especially at one of the

precincts and the room was very small and it was packed to the maximum and people couldn't vote and the line was extended outside. Then they said shortly before seven we have closed this line off and you cannot vote because we can't take more in the room. There were a lot of people at that particular precinct that were not allowed to vote.

Many of them had I.D.'s and of course the I.D.'s they failed to sign their name of course when they got it back that same day to vote they realized they could not vote and they were very, very upset about this. I got numerous calls about the I.D. At DMV they were not told how to fill out the forms. It was noted on that form that they had signed and they missed one question and they were denied to vote from DMV.

Many of the precincts were told at the last moment that they did not know how to fill out the forms and didn't allow them to have an election of what they needed to do. There were many places where people went to go into vote and they would not allow the people or they had to stand a certain distance to get into the precinct and they turned them away. Many voters and especially in the Varina area, said that the poll workers needed to have a better education on how to conduct the voting in the precinct.

I thank you for the time and again we need to get out and join the NAACP. Come and help make the next election that's coming up better. We need to register people and allow them or tell them how to vote and what they need to do and to know where their polling precinct was because a lot of them really didn't know where their precincts were. They voted in one place last year and of course, when

they went back the last voting time and they went back this time that had changed and they weren't allowed to vote there. So we really need to join the NAACP in Henrico County if you're in Henrico or if you're in Chesterfield or if you're in Richmond, wherever you come from, come join the NAACP and make your vote count. Thank you very much.

CONGRESSMAN SCOTT: Thank you. Hal Quesnel LaRouche FDR-PAC.

HAL QUESNEL: Good evening, I'd like to make a very short announcement. The work that goes into the campaign here in Virginia, we have a statement to address to the Congress which is very short. It's very good to make these proposals for how to clean up these irregularities but we have a serious problem especially with the Supreme Court. With the Bush regime and getting into this mass privatization, prison labor and so forth, I would propose that in Congress we have a very aggressive mission and to conduct hearings into these various atrocities that happened to voters and this would set the right tone for the next Government. I have a short statement and people can see me afterwards if they want a copy. In less than one month, the Congress of the United States will sit in general session and exercise its constitutional responsibilities to certify the results of the recent Presidential election. However, there are strong allegations and significant evidence to back their allegation about the legitimacy of this election. In just one of many examples that should be cited in the State of Florida. Evidence suggests that thousands of voters and the vast majority of whom are black were disenfranchised when they were

disqualified by an incompetent procedure which denied them the right to vote on the false allegations that they were convicted felons and constituted a grave violation of the 1965 Voter Rights Act. Lyndon LaRouche, who himself was a candidate for the Democratic Presidential Nomination has called for the creation of a special congressional commission to investigate two compelling issues which have been raised in the course of this electoral crisis. First the question of the possible significance of evidence of misconduct including willful misconduct in the case of the Florida presidential vote. Second, to look into whether what kind of ballot confusion generated by the many types of ballot designs and methods used in Florida was itself a parent of the election. He raises the question, should it not be required that some standard ballots and voting procedures be provided. LaRouche expressed his confidence that President Clinton as President Grant in the 1876 crisis would be disposed to encourage such independent commission. We agree with Mr. LaRouche's assessment and we endorse this call. Our first responsibility lies in the truth. These are difficult times. We face a global financial crisis of unprecedented importance. Many of our cities are already facing energy emergencies. Indeed just last week Secretary of Energy, Bill Richardson was questioned about various emergency powers to ensure keeping the lights on in the State of California. We believe the President of the United States will be called upon to make critical decisions that will affect our citizens and our nation for generations to come. There can be no doubt about the legitimacy for which he took our nation's highest office. We call upon Congress to consider these questions as part of their

Constitutional duty. Then and only then can the Congress certify the person who will be the President of the United States. Thank you for listening.

CONGRESSMAN SCOTT: Thank you very much. Hilda Warden, representing the Richmond Chapter of the National Political Congress of Black Women. The next speaker then will be Delisa Saunders. Ms. Warden.

HILDA WARDEN: Good afternoon Congressman Scott and members of the panel. As many of the presenters ahead of me have said we are indeed glad that finally someone has decided to look at the corruption or apparent corruption in the voting procedures in our community. My personal experience was the most frustrating that I ever had. I have been working as a volunteer in voting education and voter registrations since before I became old enough to vote at the tender age of 21 and paid the poll tax also.

On November 7th, along with some other citizen volunteers, I was scheduled to assist in voter organization. Our assignment was to encourage citizens to go to the polls and vote. I encountered citizens who had registered before the October deadline and had not received their voter I.D. card which would have informed them which precincts to go to. I called the Richmond Registrar's office to get assistance, thinking this would be a quick way to facilitate the information that I will be able to use for the rest of the day to assist people. I got a recording thanking me for calling the City of Richmond but stated that due to circumstances beyond control my call could not be put through at that time but to please call back a little later, to call back

later on Election Day. But I did put my call in later and I got the same response. I called later still and got the same response. This is after I double checked the telephone directory to be sure that I was calling the right number. When I realized I was calling the right number I then decided that maybe the City Manager's office could help because I felt it was most important that we get some help right away since Election Day only lasts for about 18 hours or something like that or 13 hours. That's even fewer hours and time was passing. I was unable to reach Mr. Jamison because he was in a meeting and his secretary offered to try to get me through to the Registrar's office saying that their office had been swamped with calls also. She inquired what number I was calling and I told her what number I had been calling. She said that number had been changed. The number I called and I'm sure many other citizens called was the number that is listed in the City Directory. She offered to try to put me through and I held on for her for five minutes while she tried. She came back and said I think I can get you through now but if we get cut off and you don't get the information you need to call me back. She put me through and I received a recording saying that all phones were busy in the Registrars office and if I would hold my call would be answered by the next available worker. Calls were being answered in the order in which they were received. I held on for about 15 minutes and then I hung up to try to find some other way of getting help because like I said, the day was passing and I think this was about 11 o'clock in the morning.

I called a reporter at the Richmond Free Press about the incorrect phone number because I went back and checked the

newspaper and the same number I had been calling which I got out of the City telephone book was the number that the article in the newspaper had included, the phone number for citizens to call if they ran into any problems about voting on Election Day. The reporter told me he was going down to the Registrar's Office because he hadn't been able to get through either. He later informed me that the Registrar's Office was swamped with the few phones that were in service and each phone was, or he was informed that each phone had at least 17 calls on hold waiting, call waiting. My purpose for calling the City Manager's office was thinking that City Hall had its own telephone operator and the City Manager could use his power to make some temporary adjustment down at City Hall so that maybe they could switch some calls to some other office and move some people in. But unfortunately that did not happen.

I called the State Electoral Board and I got a recording saying what day the office is open and the message included a statement suggesting that if you wish to leave a message and phone number, you'll be contacted on the next working day. All of this is in connection with one voting day that's a total of 13 hours and all I was trying to do was get information which I could use in assisting citizens in getting their opportunity to vote. After I returned home about five o'clock that evening, I found a message on my machine to the effect that my name had been given to someone and that I had some questions about where I should go to vote and I should call the number they left on my machine that I could get assistance to clear up my problem. I called them but it was five o'clock and I got no one. I got a few suggestions that I'd like

to offer and perhaps the Legislature or whoever might be considering or whoever might want to consider having voting that goes on for 24 hours like they do in some other countries. I don't know how it would work but it seems to me that with what we've endured on the November 7th election nationally, not much else could happen that would, or at least the way we do it, so we may as well try to raise some other people to do it.

A suggestion I'd like to offer is one that has been made already and that is to have adequately trained staff and bipartisan staff to be sure that there were people available to assist citizens. It could be very threatening to anyone who is doing something for the first time and involved in a process which you're not too familiar with and you may not feel comfortable with. I'd like to have the legislature or the elected officials who are responsible and who require that adequate phone service is available in the Registrar's office for the entire period that voting is taking place. I don't know what time the Registrar's office closes but whether they close at 5:00 I don't know. It seems a little stupid to have the Registrar's office close at 5:00 o'clock and the polls close at 7:00 and also maybe they should open a little bit earlier on Election Day. I think they should be open and available to citizens throughout the entire period of time that the voting process goes on even if it goes to 24 hours.

The third suggestion I have is, and that is to require localities to provide correct working telephone numbers and precinct locations including zip codes and this kind of thing so that our citizens can be assisted rather than being disenfranchised in carrying out not

only their right but their responsibility as citizens to use the right to vote. Thank you very much.

HENRY MARSH: I think it's important and we're going to run out of time for this hearing because all of these people came down. Some of these suggestions can be given to us in writing. I think you should enforce a strict time limit considering the number of people that are here and wants to speak.

CONGRESSMAN SCOTT: I think everyone heard the Senator's admonition so we'll try to stick with the time limit please.

DELISA SAUNDERS: Good evening, I will be brief. I'm Delisa Saunders and I am the Deputy Field Director for People for the American Way and it is a National Social Justice Organization. What we've heard from people is pretty much the same as what we've already heard tonight with one exception. The folks here like Brother Salim and everyone here and everyone else that called to get voter registration information forms and we were told that they were out of forms and we could make a copy. We were also calling our Washington, D.C. part of the National AGet Out To Vote Program® and the response we received was very positive. Not only did those folks have the voter registration forms, but at the same time, other folks were being told that they did not. We received our material in a timely fashion so I think that's something that should be looked into. Thank you.

CONGRESSMAN SCOTT: Jason Guard, Food Not Bombs and our next speaker will be Pam Smith.

JASON GUARD: Thank you for the opportunity to speak. My name is Jason Guard and I'm with Food Not Bombs in Richmond,

Virginia. I basically came here to make an announcement that in our organization over the last few months, there's been a large protest planned for the Inauguration in D. C. on January 20th. I brought a bunch of flyers here to hand out. I can't hand them out in this room but outside I'll have them available. A couple of the issues that the protest is planned for, we plan to incorporate influence in our electoral system and the death penalty. The way that the election has come down I think that and the illegitimacy of the Bush Brothers and the actions going on on November 7th, I think maybe we can add that to the list. Those of us from Richmond will be making the two hour trip up there on January 20th. You can see me and I'll be outside there. Thank you very much.

CONGRESSMAN SCOTT: Pam Smith with the Blackwell Tenant Council Treasurer and Blackwell Civic Association Vice President. Alice Lynch will be next.

PAM SMITH: I want to start off by saying I started working with the Census in a public housing area called Hillside from April to September and I see gee, these people are not really being helped. When I got the opportunity to walk the streets and help get folks to register to vote, I went back to this same area because I had an opportunity to meet some good folks that was afraid for some reason not to fill out their census. I got them to do that. I got quite a number of people also to register. My disappointment was that I found that on behalf of the people that I got to register to vote didn't receive their registration cards on time. I also got an application myself and went onto the City of Richmond's Registrar's Office at three minutes to five and the office was closed but there were people inside the office. This

was the last day to have your registration in. I knocked at the door and no one would let me in. I saw a worker that I knew in City Hall and shared with him what was going on but he was on his way out. He was my witness that I did take it to the Registrar's office and I went there myself at three minutes to five and it was closed. It's suppose to close at five. So my question is why didn't they open that door when I was down there. Even if they had told me to slide it under the door, that would have been sufficient. That did not happen. Thank you very much.

CONGRESSMAN SCOTT: Was your friend that was the witness, could he verify the time?

PAM SMITH: They are a city worker, they are not here.

CONGRESSMAN SCOTT: Did he agree with you that it was before five o'clock?

PAM SMITH: I believe so, yes. Thank you.

CONGRESSMAN SCOTT: Alice Lynch.

ALICE LYNCH: I will be brief, I'd like to offer several positive suggestions to improve the situation. Number one is that I think the Motor Voter Law needs to be amended to require that DMV offer assistance to people who want to register to vote. Number two I think the section dealing with changes of address is too complicated and hopefully some way could be found to simplify it. Number three, I think their forms should be redesigned and I don't believe the good forms, the transfer forms that, new forms should be separated.

The other thing is that if somebody needs to get on the U. S. Post Office, I fought with them for 25 years. I have had mail or

absentee ballot information sent to my office in September and delivered in February and it was right here in Richmond and I had constant problems with them. One time, two years on a row, the same family applied for an absentee ballot and they were sent out in good time and they had to be hand delivered because they never received them in the same household, they disappeared in thin air. I would not put a voter registration application in the mail. The voter cards, there were constant complaints that people didn't get their voter cards. It's hard to tell what happened to them, if they come back to you, you can chase down and see what the problem was but I think somebody needs to work on the U.S. Post Office, I really do.

The other thing is that voter education is a real problem. I did everything I knew to do but people don't realize that they have to keep their addresses current with the Registrar's office and this is people in all walks of life.

I'm very familiar with the punch card ballots and that's why we don't have them in Richmond. I don't think we'll ever know how the vote came out in Florida because the chads that are pre-punched will drop out if they're handled. My first job was punching holes in IBM cards. I didn't read them but I've had election officials see them in other jurisdictions mess up the ballot so I think that's something that could be addressed. I feel like this is a wake up call for all of us and I hope we can work together to get some improvement in the future. Thank you.

CONGRESSMAN SCOTT: Thank you. Sherrin Alsop and Martin Jewel will be next.

SHERRIN ALSOP: Good evening, my name is Sherrin Alsop and I'm a member of the Board of Supervisors of King and Queen County, Virginia. I guess you could say I'm here representing the rural aspect of what happened because yes, I am from the country. King and Queen County is kind of unique because we've had a long history of voter irregularity. Back in the early 1980s my father sued the County because of the irregularities that came to light in his bid for supervisor. He lost his case and many changes were made. You can probably imagine my surprise that almost 20 years later, I saw once again many of those same shenanigans. We've had some of the same things happen that you've heard before. We had names deleted from the rolls and people who voted for me last November were not on the rolls this November when it came time to vote.

Our voters who were forced to throw away the sample ballots as they walked in the door of the precinct. Normally this wouldn't cause a problem but we had two things going against us. First we had a Davies and a Davis running. Secondly, we had a large amount of people that read below the fourth grade level voting. They needed the sample ballots in order to adequately vote the way they wanted to vote and of course, it didn't help that they knew they wanted to vote as a Democrat and it doesn't say Democrat under the name of who you're voting for in many cases. One of those things sort of voted against us and worked against us.

When I learned the sample ballots were being thrown out, I called the Registrar's Office and being County Supervisor, I knew I could get through because I know the line to call. I called her and said

what's going on, people are being made to throw the ballots away and the answer was oh, you have to throw them out because the literature and I said no, I don't believe so. Oh yes, we're going to call the State Board of Elections and we're going to find out whether that's something we have to do. So she did call and she found out that sample ballots are allowed with you in the voting booth. She called the precinct and it was corrected. I said you'll need to correct it in every precinct in the County. I figured that everybody had the same training in King and Queen County so if they were thrown out in my precinct then they're being thrown out in every other precinct. She said yes, I informed each one of the precincts. Of course, I later found out that no call was ever received from her in the other precincts and the sample ballots continued to be thrown out.

Then we have precinct changes. If you go to one precinct and you voted there for years and you find out you're suppose to vote 15 miles down the road at another precinct. Many people got in their cars and drove down 15 miles but a lot of people went home.

Then we had something that was going on that was not illegal but it sort of causes a problem for me. That is, after the fight that we had to correct this and get African American representation at our polling place, up until my father sued the County there was no African American working in the polling places throughout the County. He was able to get them, to appease him, to get some hired to work in there. What we're seeing now in the year 2000 is that many African Americans were not asked to return this year. The precinct that I represent is 80 percent black and unfortunately our workers are slowly

turning into Caucasian workers, the African Americans are not being asked to come back and work in the polling places. When I found out what was going on mainly because one of the or the African American woman who has headed up our polling place for the last five years was not called back to head up the polling place this time because one of the primary elections, she was sick and couldn't hold the office and they said, well, she's sickly so we decided we were not going to invite her back. I said she's not sick now, what's going on? They said well, we thought she was sickly and this was probably a better move to put someone else in the position. I said was this really necessary to bring someone from another precinct which is a precinct represented by 80 percent black people and they brought in a white from another precinct. I said why couldn't you move up one of the poll workers and train one of the other poll workers that had been there and moved them up and I was told well, you know, there's really no qualified black people in the Newtown District or precinct. At first I was taken back because most of the people that live in the Newtown, we do have some foreigners but most of them are like me and they go to Northern Virginia to work or they come to Richmond or they work in the shipyards and not people that would be unable to fill out the forms to say what machine was actually counted.

We have a lot of retired people and business professionals that are retired and have returned home but they were not capable, according to the Registrar to answer the phone or head up the precinct. They were forced to bring a white male from another precinct in to head up our precinct. I guess what really concerns me about that although it's

not illegal because the person they brought in was a King and Queen resident but the purpose as I see it, in a small County like King and Queen and a district that is 80 percent African American by the year 2003 we will have an all white precinct once again in our 80 percent black will be in there. What happens is, we do have some older individuals that feel apprehensive about asking questions. We have some people who really aren't sure about how to vote and they go in there and they should ask for assistance and so the poll workers can help them. What's going to happen is that we're going to have a lot of people in my district who are not going to vote anymore because they feel uncomfortable and apprehensive about doing so. These are some of the things I noticed from the last election.

I want to say it seems like a scary thought but it seems that instead of moving forward, we're speeding backwards. Thank you.

CONGRESSMAN SCOTT: Martin Jewel and then Karen Oliver will be next.

E. MARTIN JEWEL: I think that lady's last comment is where I'd like to begin. We're moving backwards so let's no kid ourselves and we know about the southern strategy that came out in the late 60's or early 70's said little about black rights and promoted white advantages as you win the southern states. You saw that map of what states were won by Bush or Gore and you begin to understand what that's all about. What we're talking about is not new, it's just that Florida has amplified the trigger that's gone on for quite some time. Not just for Florida but in Virginia too.

Let me tell you what I know. Number one, on Election

Day I happened to be noon looking at the news and I believe it was TV6. They reported that the precinct in Oak Grove in which some 20 people walked away from the polling place because of long lines and because they didn't have I.D. and yet we know that the I.D. Bill that has created so much confusion whereas Republicans and Dixicrats that left the Democratic party and became Republicans. They know that's not going to get African American people and people of color to vote Republican and all of this created this confusion or as much confusion as possible. The whole idea of creating this problem was to get as much confusion as possible and confuse African American people. That I.D. Bill was aimed at creating that confusion and it needs to be repealed. We need to fight it for everything we're worth.

The next day in the Times Dispatch, there was an article about a problem in one of the other polling precincts in which a Mr. Pittman refused to provide a timely affidavit and an electoral official was called and corrected the problem and when the electoral official left and Mr. Pittman created a state of confusion. We don't have to go to Florida to know about police intimidation, road blocks. It occurred right there in Henrico County on Nine Mile Road by Evergreen Cemetery. The only way you can enter into that road is go back through the black community. Down in the Genoshire Community the lady got stopped and she was told her license was suspended and she had a three year old child with her and she had to call somebody to come and pick her up off the road and it just so happened that we were working door to door in Genoshire. She was on the phone crying and said she couldn't vote because she can't drive up there. It occurred right here in

Richmond at a checkpoint, here in Henrico County.

When the Crusade had its meeting last month, we had the electoral officials explain the lady made a comment when I raised the issue about the I.D. problem. She said you know that we had less problems about that than anything else. Well, you haven't had reports of virtually anything because your phones were clogged up, of course you didn't get those complaints so we know what's going on and we need to amplify this right here in Virginia. I'd certainly follow up and I would urge you to participate in any petitioning and call on President Clinton to set up a National Commission to examine this whole mess. Thank you.

CONGRESSMAN SCOTT: Thank you. Karen Oliver and Theresa Watkins will be next.

KAREN OLIVER: Good evening everyone, I'm an election official and I work in precinct 504 and I want to say that we need more trained election officials at the precinct. Some of them are elderly. I have to speak honestly that some of them are very cranky and abusive to the voters. Also there was some errors in the poll books and the rosters. There were a lot of question marks and they were there for no reason. The election officials who were not really trained. I think I might be the youngest one except this new Caucasian girl that they brought in, but most of us are black. They had a lot of question marks there on the poll books and the rosters. They were there for no reason. Everybody had a card and addresses are correct. The older election officials they didn't know that people were suppose to sign the affidavit or sign this other form and there was a lot of confusion. There was also

a lot of confusion about the election officers and by them. There was no reason for it but the phones were busy. Anything else I had to say I think has been said before.

CONGRESSMAN SCOTT: Thank you. Theresa Watkins and Will Harris will be next.

THERESA WATKINS: Good evening Congressman Scott and distinguished panel. My name is Theresa Watkins and I worked at a Chesterfield County polling place during the last election. It was all over with before the results of the Florida debacle. I was very angry and I was upset and I had to search for who I could call to discuss my anger with. I had a very good friend I called and she said she had to go to work the next morning.

One of the problems I would like to address is that I have a question to ask to find out if this is illegal or immoral. I've asked this question to several different people and no one has been able to answer it. At the precinct that I worked at and Congressman Scott, maybe you can answer this, I'm trying to find out if there's more than one Samuel Nixon in Chesterfield County because I had a problem with DMV and I was doing research and I was told he was my Delegate. I was unable to reach him, however, he was the person that worked at the precinct that I worked at. He was the one who operated the ballot box, he's the one that took the ballots out of the ballot box and his wife, Julie Nixon, a retired school teacher was Chief of the precinct that I worked at. The next morning I called the NAACP to let them know what I had witnessed. In addition to that, several African American families came in and had a husband and wife and maybe two or three children that

were in college and able to vote. They were not able to vote if one person in the household had gone through the DMV and was able to get their voter registration. So we had anywhere from 20 to 25 percent represented that particular household. One particular family came in, husband and wife and seven children. All of them were able to vote and these were Caucasians. They had no problem getting their voter registration card from the Division of Motor Vehicles. I retired from the military and I was in the Army and each person, if there's anyone that's in the military, you'll find out after being in it for a certain period of time, Florida and Texas are states that people use as a legal residence because there's no taxes there. So I'm trying to figure out why is Florida one that we had a problem with? I've been voting for quite awhile and I've been in the military and I was in Germany and I voted and my absentee ballot had to be pre-dated and sent back to the United States in order to get there on Election Day.

I'm trying to find out what's going on with the Bush Brothers and their father who was ex-CIA and that's not been mentioned either. So there's been a lot of issues that are coming out. I've been trying to find this out and no one has been able to answer my question.

Finally, at three minutes to seven our precinct closed. About seven minutes to seven a Caucasian woman came in who was completely intoxicated. She was that intoxicated that day, she was so drunk that I could smell the alcohol coming out of her pores. They could not help other African Americans or poor people to tell them where they had to go to vote, however, they took time out of their schedule to make a phone call and find out what her name was and why

it was not on the Registrar's book. I was a poll book officer and I checked people's names as they came in and her name was not there. Because she was drunk, I spoke to the person next to me and she wasn't on there because she didn't and said probably she was not on there because of a convicted felon. A few minutes later I was told she was a convicted felon. We had several other people who had gone around, college students from Virginia State and St. Paul's College that lived in the Chesterfield area that were sent in all different directions. There was a black African American male that came in at one minute to seven and they had broken down all the polling machines. He asked to vote and the doors were open and he came in and they told him, they said he couldn't vote. Mr. Nixon told his wife it's not 7:00 o'clock yet it's three minutes to seven and she said they are broken down. These are things that were not told to me but this was something that I witnessed with my own eyes. I know I can verify it and face anyone that denies it. I tried to get two other people, two other African Americans that worked with me and I couldn't get the address or telephone numbers but I did send an e-mail to one of them and she said she'd try to make it tonight but this is something that I witnessed first hand in Chesterfield County. I am very hurt. Somebody from News 8 contacted me the other night and I expressed this in the TV interview. However, they cut everything out except the fact that I said I would be very angry if I was not allowed to vote and that I did learn from this election that every vote counts. So, I wanted to know in Chesterfield County where there were some Gestapo tactics used to not get my comments heard. Thank you very much.

CONGRESSMAN SCOTT: I don't know if anyone can

answer your question but we're going to reserve the last few minutes for Michael Brenner, the Vice Chair of the State Board of Elections. We're going to hear from a few more people but Michael Brenner has indicated that he would like to possibly respond to some questions. The next speaker is Will Harris and he'll be followed by Lester Randall. We're not going to be able to take anymore cards, we'll have to finish the ones we have but we won't take anymore due to our time.

WILL HARRIS: Hello Congressman Scott and members of the panel. My name is Will Harris and I'm President of the Citizens Police Association here in Richmond. Every great accomplishment is achieved one step at a time. A building is built one step at a time and a football game is won one play at a time and injustices are ended with one act of legislation at a time. Based on the information you heard tonight Congressman Scott, do you plan to introduce any legislation to correct the problem that the National Election revealed such as standard ballots, such as uniform voting machines and an increase in pay for poll workers. Thank you.

CONGRESSMAN SCOTT: Let me respond to those real quick. We're going to be conducting hearings in Washington and those will be some of the things that we heard about and in addition there will be a lot more. Thank you. The next speaker will be Lester Randall followed by Reverend Taylor.

LESTER RANDALL: I'll withdraw and let Reverend Taylor speak.

CONGRESSMAN SCOTT: Mr. Randall has deferred to Reverend Taylor. Paul Speed will follow Reverend Taylor.

REVEREND ROBERT TAYLOR: Mr. Chairman, I want to thank you for calling this meeting. I'm grateful for the number of people that have come out and expressed an interest in what you are concerned about. I started voting when I was 21 years of age and I've been voting ever since. Having heard all of these discussions, I'm wondering if there is anything that you and all of us together can do to the end that Mr. Bush will be the last American President elected until all the votes are counted?

CONGRESSMAN SCOTT: Let me just say that I certainly hope so.

MR. PAUL SPEED: I'm Paul Speed and I've been watching you Mr. Scott for quite awhile and we've been so impressed since the beginning of the Clinton era. My question is that a lot of our neighborhood is really concerned whether this is the beginning of the end of the United States as we know it. It seems to me that when the Supreme Court came out with their decision and then later on Governor Gilmore refused to unify the voting machines in our state, whether there's any hope at all for a Democrat or anyone to be heard ever again. I mean right now Congress is controlled by Republicans and the Senate is controlled by Republicans and I know you're alone up there but you've got a lot of people behind you here. Is there anything that can be done honestly?

CONGRESSMAN SCOTT: Yes, that's why we're having the hearing to get information on the table. We will have hearings when we go back and I think there's a lot of Americans that want to do something and not just Democrats. I think most Americans were

embarrassed about the election in Florida and the count was well within the margin of error of the messed up machines. I don't know exactly what we're going to do but we're going to have hearings and there's been a lot of suggestions the Commissions being one suggestion, paying money for voting machines that work. There's a lot of other things that we've heard about tonight that we have to consider. We're not going to stop and people need to vote and we need to vote a little heavier so it won't be so close next time.

MR. SPEED: Thank you.

CONGRESSMAN SCOTT: The next speaker is Pauline Hymes followed by James Melvin.

PAULINE HYMES: Good evening, I want to tell you how serious it is. I think it's extremely necessary that we be here this evening. I think it's extremely necessary to have you here this evening. I worked at one of the polls and I'm not going to accept defeat. My President is not George Bush and I want you to know that. I worked at a poll where there was a lot of discrepancies. One question, and I want to ask you now that you know that this has been going on for many years and I want to know what you're going to do about it. I think this should be announced on public radio so the world could hear it. Now, I'm ready, willing and able to say anything that I need to say to get this wrong made right. I'm here and available and willing to do anything else and come forward and I'll come up there any day. Thank you.

CONGRESSMAN SCOTT: James Melvin and then Blanch Howard. James Melvin, James Melvin? Blanch Howard and then Lawrence Pollard will be next.

BLANCH HOWARD: Thank you distinguished panel members and Congressman Scott. I'm from Newport News and my district or polling place is the Dunbar School. I've been hearing a lot of people speak about having difficulties during this election. I was at the polls the early part of the evening around 12 or so and it was not heavily filled with people. I went to the Registrar's office or the desk where the registration was and I showed my I.D. and I had already been registered and therefore I was cleared to go vote. I was directed to a voting booth and this man, which indicated to me they really didn't care how they approached me or what they said to me or how they made me feel. Once I got to the booth which is just a little place with a little curtain around it, and they were doing the ballot count through the machine in Newport News where I was at. I took my ballot and the ballot was so full, it seemed so packed that one would take it in hand and wonder what should I start reading. I had no time to do that. This lady approached me quickly to move me through. I looked around and there was no one in there. I didn't see any need for the rush. I had no time to really read it and go through it in my mind as to who I wanted to pick as my choice. I didn't have enough time to go through these people's names.

The presidential side took a block or from the top of the page to the bottom. The Congress and the Senate and Delegates took about this much to the lower part for individual questions as to whether you believed in gun laws or what was on the ballot. I didn't have my glasses on at the time and that was really my mistake. I voted twice in the Presidential slot and I caught my error before I gave her the paper.

In looking at my error I said I'd like to have another ballot because I voted twice in the wrong spot and she said wait a second and she went to try to check with someone as to whether she should give me another ballot or not and she said that's okay, the machine will reject it if it's not right.

Another thing that the panel has mentioned here, I was suppose to fill in the colored slots, circle it and when I gave her the ballot she went on and put it in the machine after she checked with this lady and she said if it wasn't right the machine would reject it back out. So she took it and then put it through the machine and it did not come back. It didn't come back so therefore I looked and asked her, I said what happened to my vote and she said don't worry, the machine knows who you wanted to vote for. I'm going to be real short with time but I called the Registrar's Office when I got home and she said that lady cheated you out of your vote so that was it.

CONGRESSMAN SCOTT: Lawrence Pollard will be the next speaker followed by Roy Perry-Bey and that's the last card that we have.

LAWRENCE POLLARD: Members of the panel, I want to congratulate you on holding this hearing because we need this and we need to know and we need to have someone whose interested in correcting these irregularities that happened on Election Day. On Election Day I got a couple of calls. One of the calls said that at one of the polling places they were asking for two identifications and people were being turned away because they didn't have to identifications. A lady was back at the end of the line and she went up and said you don't

have to have but one and the election officials didn't know what to do and I guess they can do anything they want to do on Election Day. I'd like to suggest that maybe we ought to appoint people that people can call to address these issues right away while the voters are there because this is way after the fact. If we can address these issues on Election Day maybe we can get some changes. These election workers need to learn to be polite to people and the voters need to be able to report these people. Each group of us ought to have somebody at the polls we can talk to and can take down a grievance, particular names and that would make a big difference.

MRS. DOWNS-TAYLOR: We have a special election in Virginia Beach tomorrow and we recruited students from Hampton University and some of them are coming from Richmond tomorrow and they're holding training sessions tonight. We've got big signs and they're printed for the polling places. We trained these people and we're training them to provide assistance to persons that are going to vote tomorrow.

CONGRESSMAN SCOTT: There are some special elections in the Yorktown area and that includes King and Queen and King William and Gloucester.

ROY L. PERRY-BEY: Congressman Scott and panel members, my name is Roy Perry-Bey and I'm Executive Director of the Citizens of Hampton Roads March Against Poverty, a Civil Rights Coalition. I'd like to report to you what took place in our organization in the City of Norfolk during the November 7th election. We were working the polls out there essentially to first condemn the selection of

the At-Large Mayor. A non-binding referendum that was part of this whole process. We objected to that and we were very successful at herding votes and city council condemned the at large process. We were also out there working the polls to condemn the General Assembly going forward as the District of Columbia on redistricting scheme as far as the State of Virginia. We felt certain that the Justice Department would be overseeing this from a Civil Rights standpoint. We objected to these processes because we felt the minority vote would be diluted. As a result of that, I was threatened with arrest at the Maury High School with what I later learned was an election official by the name of Ed O'Neil. I immediately went to Ann Washington's office in Norfolk and talked to Bernice King and this is how it went.

I was working the polls Mr. Scott, directly across from your staff person. Your staff person initially came on the sidewalk at Maury to essentially hand out information. I then later learned that I was in violation of a 40 foot rule. Mind you that I had other advocates and other members of the Coalition working the polls all around Norfolk who were Caucasian and others who had not been met with this problem. I was met with this problem and I advised your staff person to move across the street so she would not experience this problem. Ed O'Neil rushed out of Maury High School and never identified himself. He had some badge on which I didn't see because my back was to him. He immediately bum rushed me and said you get, you get away from here before I have you arrested. I turned to him and there was an officer who I had talked to initially that was there and he said I'm not going to interfere with this, Roy has been demonstrating for some time and we're

aware of him. I'm not going to get involved. Ed O'Neil said arrest this man and the officer wanted to know why should he arrest me and Ed O'Neil said he's in violation of the law and he's violating the 40 foot rule and he shouldn't be around this door. There's suppose to be some imaginary line. I know Mr. Scott, we had Caucasians and others working the polls everywhere in the City of Norfolk who did not experience this. One prominent lady went to the polls to vote and observed some of our advocates who were not interfering with voters who were passing out flyers and they did not experience this. I stepped out of this little line that he pointed out to me and he still had not identified himself at that point. A member of the Commonwealth Attorney staff actually went in and got this guy for me because he was objecting to the fact that we were condemning the city trying to push an At-Large Mayor. Ed O'Neil directed the Gore staff member to keep their eye on me and remove me from the precinct should I step back across this imaginary line. I stepped back from this imaginary line and I confronted him. I said sir, you didn't have to speak to me that way and you certainly didn't have to threaten me and he said arrest this man right now officer and I said what grounds are you going to arrest me on because I'm no longer now inside the 40 foot imaginary line. So by what authority do you have to direct the police officer to arrest me. The officer told him he wasn't going to get involved.

I went to several other precincts only to discover that when I went over to check on the students over there, students from Norfolk State, I'd like to also say there was a high police presence at Maury and other precincts too. This appeared to me to be very intimidating. I

witnessed a number of minorities that were turned away and Norfolk State students were turned around at the polls and were told that they were not registered there to vote. They came to me and asked me what should they do, they had everything that was required of them. I went down to the Registrar's office and this is what I was told. We ended up sending information to New York and wherever they lived last and we did not get information to them here in this district and you know there could be a tax problem on their parents if they're registered in New Jersey or New York. They didn't take the liberty to put their names and addresses, these were college students who took the time to put the proper information on the form and with great diligence sought to vote and were denied. I was even confronted by a number of citizens who lived in Norfolk who had voted at the Bolling Park precinct in the past and were turned away. People were told to get out of the line and to leave at the Bolling Park precinct and other precincts that we had worked.

It was very surprising to me that you had stepped up police presence and you had minorities that were denied access to the polls. I cautioned some of the people at the polls that these people have their identification and they had submitted their information properly and timely to vote and then taking them out of line and asking them to leave the precinct was simply impermissible. This type of thing occurred and I witnessed so many people being turned away at the polls that I thought it was horrible.

I'd like to also say that I represent more than 1.5 million disenfranchised voters in this country whose, like the young lady that

had been convicted of a felony.

I think Mr. Scott after hearing all these issues and other issues that you go back to Congress and particularly in reference to the 14th amendment, because these citizens could not vote and these citizens could not participate. I've been hearing registered voters consistently talk about right to vote. I'm hearing Mr. Gore say let every vote count. You know there's more than 1.5 million or more citizens disenfranchised off the rolls and that comes from an old segregation scheme to segregate minorities off the political landscape. If you want to fix this whole process in America, I'm asking our registered voters to petition Congress that every American citizen can vote and nobody's vote can be taken away from them for any reason. This will unite our country and this will bring us forward. Thank you for your time.

SENATOR MARSH: I just want to say that some people say that they're disenfranchised with the state but the Virginia Legislative Black Caucus has had a legislative passed and have planned to put forth legislation this year. I think we in Virginia have been consistent in our efforts in reforming Virginia's laws. We have some of the worst laws in the nation on how a former felon can be disenfranchised to vote. We took it out of the Government's hands and former felons apply to the court for which they were convicted and let the court process the application and once the application is processed, then the Governor has the chance to sign it. The big problem before was that the former felons had no opportunity to petition to fill out the forms because they didn't get the information. So we're working on it. If the people here tonight will support our legislation this year, we

should do further work on it. We plan to take care of this or we need to take care of this here in Virginia and we'll try that.

CONGRESSMAN SCOTT: Thank you Senator Marsh. Our last speaker will be the Vice Chairman of the State Board of Elections. We're delighted that the State Board of Elections is represented by two members, there's three on that but two are here.

MICHAEL BRENNER: Thank you Congressman Scott for one, having this hearing and allowing people to come and indicate what problems they know of that may have occurred. Let me also assure you that the State Board of Elections takes this quite seriously as well. It is my understanding we'll certainly get a copy of the transcript that is being prepared tonight so that we can continue to do some follow up on that.

We want to address some of the issues that have been raised so therefore, we have invited some of the Registrars in certain areas where there were specific problems that we've been able to identify to come and address the State Board. What action the Board takes, I can't tell you that but since that occurred once, those Registrars will have an opportunity to express certain things to us.

Our philosophy is that we need to address these problems. We might be sued by Mrs. Brown and others but Virginia State Board of Election needs to know, needs to look in on these processes and needs to figure out what it needs to do to straightened it up and to clean it up if need be. Changing some of the forms would be a problem that the State Board needs to address, better training of officers of Elections is another area that needs to be addressed. Some of those of course, will

take money to do those kinds of things and hopefully members of the Legislature will hear and will support the State Board in a request for various funds that it might need to have.

I do want to correct a couple of things that were said here this evening. The local Registrar's office is in fact open well before the polls open on Election Day and they don't close until well after the polls are closed. In fact, they don't close until each precinct has called in and indicated that they have completed the job and packed up everything and closed down the precinct for the evening.

I'm also delighted to know that an election official might have been actually working at a polling place, handling the ballots and so forth inside. We've had a person take a look at the individual picture and that individual was not the individual who was working inside that polling place because clearly that is against the State Law.

CONGRESSMAN SCOTT: You're talking about an elected official?

MR. BRENNER: An elected official. Someone here indicated earlier that an elected official was inside the polling place and they were actually handling the ballots and that's not the case.

The attitude, however, clearly needs to be changed within the Commonwealth and it has to start from the top down. By that I mean we have got to ensure and especially the DMV people that this is part of their mission, to register people to vote and to assist them. Some Registrars have in fact, provided staff at their local DMV offices within their localities to assist individuals to reduce the number of applications that come back and people sent notices indicating to them that they

failed to fill out the following information or failed to sign something or whatever the case might be. Hopefully the Governor, the Legislature and others will send that message to DMV and hopefully the Commissioner will press that upon his people they are also responsible and this is part of their mission. I can assure you the State Board does not take this lightly and certainly will address that.

SENATOR MARSH: Although the Registrar's office is required to be open until the polls close, are they required to receive public telephone calls, in other words, they can be in the office working but if they close their doors at 5:00 o'clock, is there any requirement that the offices remain open to the public?

MR. BRENNER: Yes, sir. The polls don't close until 7:00 o'clock, but yes, those offices are suppose to be open the entire time the polls are open and available to the public.

SENATOR MARSH: Someone said they closed the doors or someone said the doors were closed and they were denied entry. That's against your regulations?

MR. BRENNER: That's correct.

SENATOR MARSH: What would happen to them?

MR. BRENNER: I'd have to look at the Code but it would involve the decision of the other two members of the Board or the local electoral board but clearly that office was suppose to be open the entire time that the polls were open.

MRS. DOWNS-TAYLOR: Mr. Brenner, it's very clear that the Registrar in Richmond violated her job responsibilities which one of those is to notify registered voters of their voting status. In my

opinion, her resignation should be asked for. For her to come out and state in public that she made a conscious decision to do absentee ballots versus notifying people of their voting status and think nothing of it. That's irresponsible.

MR. BRENNER: The Registrar's Office here in Richmond has been asked to appear before the Board.

MRS. DOWNS-TAYLOR: Number two, in terms of the DMV Registration, whose responsibility is it to notify African Americans that their voter registration card needs additional information or is invalid?

MR. BRENNER: What happens is that all of the cards except for those that are not signed are sent to the local Registrar's office. The local Registrar reviews that information and makes sure that or see that it complies with the requirements of the Constitution as well as the Code of Virginia. If they have completed everything then they send them the notice the voter card informs them that they're now registered voters and this is where they're suppose to go to vote and these are the elections that they can participate in. If they fail to fill out that information then the Registrar sends them a notice indicating to them what information they have failed to complete and sends them another application so that they can complete that.

MRS. DOWNS-TAYLOR: So the cards leave DMV -

MR. BRENNER: All cards leave DMV except for those that are signed, unsigned too.

MRS. DOWNS-TAYLOR: Where are they sent?

MR. BRENNER: They're sent to a central warehouse for

storing but they are kept on microfiche.

MRS. DOWNS-TAYLOR: No one takes the responsibility to notify those people at that point. That's the point I'm trying to make.

MR. BRENNER: I would say as it stands now, I don't think they do but I believe that will change.

CONGRESSMAN SCOTT: If someone needs additional information and is notified of that and provides that information what is the effective date of their registration for purposes of whether or not they got in before the 30 day deadline?

MR. BRENNER: If they got it in before the 30 day deadline then -

CONGRESSMAN SCOTT: If the actual information, if the application got in on time is what I'm saying but the extra information was not complete within 30 days, they got it in after the deadline.

MR. BRENNER: The deadline for registration or before the deadline.

CONGRESSMAN SCOTT: They got the application in before the deadline and the additional information comes in afterwards.

MR. BRENNER: Then I would say they would not be registered to vote.

JUDITH BROWN: What percentage of Social Service clients are registered through those agencies?

MR. BRENNER: That I can't answer. That information is collected and it has to be submitted to the Federal Elections

Commission so they can report to Congress each year. I would say that's one of the things that the Legislature also should ask to see if you

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JUDITH BROWN: You mean you don't collect that information?

MR. BRENNER: No, I'm saying that information is collected in terms of where the registrations are coming from. That information has to be provided to the Federal Election Commission because every two years they have to report to Congress as to the success or failure of motor voter.

JUDITH BROWN: So your office doesn't collect these?

MR. BRENNER: Yes, we have the same -

JUDITH BROWN: You don't know off hand?

MR. BRENNER: No.

JUDITH BROWN: In terms of, there's been some allegations of police intimidation at polling places. What will your office do with regard to those allegations? Will there be an investigation?

MR. BRENNER: I can't say my office but I'd have to say that the Board itself, and clearly we can look into that and that's why we're getting a copy of the transcript to see if in fact there was some form of intimidation and try to prove that, that'll be quite difficult in terms of where this happened and in particular neighborhoods they were there because someone sent them there to intimidate voters. I really can't answer that but that's something that will have to be looked into. All the circumstances.

JUDITH BROWN: Does the Board have a working group with the Department of Motor Vehicles and the Department of Social Services to ensure that this criteria would be implemented to ensure that voters aren't intimidated, to ensure that these measures would be implemented?

MR. BRENNER: Virginia's had a lot of difficulties in implementing the motor voter and not simply because we had a Governor who was opposed to the implementation of it and we also had to make changes in our constitution, if not then when we implemented motor voter we would be like Mississippi some years ago where people had to register twice. Once for the Federal elections and then once for the Virginia elections. So it took us a long time and I believe we were the last state of the Union to implement the motor voter but not with the help of a former Governor.

MR. HEBERT: Thank you for coming out Mr. Brenner and for being here and I appreciate it. One thing that comes out of this meeting tonight and I hope you take it back to the State Board of Elections and that is with regard to problems I think happened on Election Day. We have voters who thought they were registered and went to the polls to vote were not able to cast a ballot. There's nothing more frustrating than when you know you filled out the forms and went to register. I heard you say a few minutes ago that one of the things you're looking at is that the State Board does have the authority to recommend a change in the form.

MR. BRENNER: Yes.

MR. HEBERT: One suggestion and other states have done

this, is that the exact same form that you use to renew or fill out a license is a duplicate form to the voter registration form. It serves as an alternate form. If you complete that form and the DMV official can really make sure you filled out the form, then you automatically fill out the voter registration form. I think the real problem is despite all the training that goes on at DMV it's a form that's simplified or duplicate to the DMV license application and I think then you'd see a lot of these problems taken care of, that's my personal recommendation from past experience.

CONGRESSMAN SCOTT: Senator Lambert.

SENATOR BENJAMIN LAMBERT: Mike, we have a lot of antiquated voting machines in Virginia. It's my understanding that in order to change this, it's a local responsibility. When we have a crisis in the country like we had, I think it's the responsibility of the federal government and state government and local government to cooperate and work together to change this. We need to make our voting machines as accurate as the lottery machines. What would your State Board think if we introduce legislation and to have cooperation between the federal government and the state and local government to bring these machines up to date? Is there some way that you can do that?

MR. BRENNER: Senator Lambert, the lottery machines break down as well but they are accurate and they pay off.

SENATOR BENJAMIN LAMBERT: That's right, they pay off and the voting machines should be accurate too.

MR. BRENNER: Let me say this to you sir. It's not a question of the Board but it's more a question of the Legislature. The

Board merely follows what the Legislature enacts. There's been 11 and 13 different types of voting equipment that's used in the Commonwealth and all has to be certified by the state. No locality can purchase equipment unless it has been, in fact, certified by the State. The equipment that is currently going through the process now, the testing process in the State of Virginia does in fact have a fairly rigorous testing requirement. We spent a good amount of time at least two years and sometimes better before a piece of equipment is permitted to come on the market. However, on the other hand, I must admit that my predecessor as well as the late Deputy of the State Board used to always say, if they could ever decertify the use of punch card voting equipment in the state then they wish they could have done that. The locality is the one that purchases that equipment. To tell them to change it and not give them the money to do it, I think is unfair. I'd say there needs to be some money coming from the federal government as well as the state government to assist those localities. Not just punch cards, you've got these 800 pound legal machines and those tumblers will break on those things on an occasion. When you open them up at the end of Election Day you can see zero for Scott and 200 for Lambert and there were 500 people that voted. I'm sorry, what's going to be put down on the paper is zero for Scott and 200 for Lambert and those votes are just lost. At least with the punch card you do have a paper trail.

SENATOR BENJAMIN LAMBERT: We have some very outstanding state research institutions in Virginia and who have done research on everything and then we have in the country MIT and all these other places who developed technology to run the country. Why

can't these institutions set up programs to where we can have accurate voting machines that would not be fraudulently used?

MR. BRENNER: I think Virginia Tech is looking at voting equipment.

CONGRESSMAN SCOTT: Thank you. Perhaps one of the things you can help us with is how much it would cost or the bottom line number. I think there's willingness certainly on the federal level, to participate in that. We just heard from a senior member of the Senate Finance Committee, maybe we can get a number. If we could get a number then we'd know what we're talking about.

MR. BRENNER: The Secretary of the State Board probably has a better number. I know it's literally millions of dollars to have to replace voting equipment. There's more than 2,000 some odd voting precincts in the State of Virginia. That's quite a bit you'd have to pay.

CONGRESSMAN SCOTT: I think the willingness to pay what it would cost to have ballots counted accurately on the federal, state and local level is very important so if it's going to be a million let us know.

MR. BRENNER: I'm not opposed to that, that's for the Legislature and Congress to appropriate.

CONGRESSMAN SCOTT: I think after Florida, we'll just have to pay what it costs. We may have to have a share with the state and local governments but we need someone or we need some idea whether it's a million or couple of million dollars for Virginia and it may not be that much. Alright, one final comment from Senator Marsh.

SENATOR MARSH: You know, it's not just a question of money, paper is cheap. How did the State Board run out of forms when we anticipated a record election. How could they run out of forms which couldn't be reproduced, that's not really a question of money because all of us got Xerox machines.

CONGRESSMAN SCOTT: That's two questions.

MR. BRENNER: Senator, that's really a question for the Secretary. She is the Agency Head that's responsible for the day to day operation of the Agency. It's my understanding that when we did run out of forms they did say okay, you can Xerox and the Agency produced copies of forms themselves so that people would have them because they had to have them.

MRS. DOWNS-TAYLOR: I would refute, Newport News, when I requested additional forms I was told the only thing I could get was one form and that was it from the Registrar. It wasn't until I called, contacted you and then I called the State Board and the State Board made the call to the local Registrar to tell her to duplicate the forms and that's what happened to me. I'm quite sure there were similar calls made to the State Board of Elections and they never put out an official public notice telling Registrars that they could duplicate the form.

MR. BRENNER: That might be the case.

CONGRESSMAN SCOTT: What is the present status in terms of can you copy the forms or not?

MR. BRENNER: Hopefully the State Board will not run out of any additional forms, I would think we'd have all the forms that

we would need. I have Ms. Rosanna Bencoach here who is on the staff at the State Board and she is here. I think she wants to address that issue.

MS. ROSANNA BENCOACH: I want to say I don't know how they ran out of forms. Quite frankly, the demand outstripped the supply and we did not expect quite the interest in this year's election that we had but prior to that time, the forms had been put out on the internet so it could be downloaded and copied and you could print it on your printer and fill it out and send it in on the printer. It's not the form itself cannot be copied, it's that you cannot submit a Xerox of your signature to the Registrar for voter registration.

CONGRESSMAN SCOTT: You can copy the form?

MS. ROSANNA BENCOACH: Yes, sir.

CONGRESSMAN SCOTT: So just to clarify that, if people come in and ask for 300 or 500 copies without any ability to use all of the forms but if they reproduce them that simplifies it for everybody?

MS. BENCOACH: Yes, that form is on the internet because of the Governor's Executive Order that requires that by this month all forms used by the public in transactions within state agencies must be on the internet. That form has been on the internet since sometime this summer.

SENATOR MARSH: That might be the case now but that's not what people were told. At the time they were told that you could not download it. I think there were periods of time leading up to the deadline where no one knew it was available and at the last minute,

a few days before the deadline it was available but it's important to have that help to find out.

CONGRESSMAN SCOTT: You heard the complaint and I think you can resolve that for the next election. Alright, Mike, I want to thank you for subjecting yourself to these questions.

MICHAEL BRENNER: No problem, I'm happy to do it.

CONGRESSMAN SCOTT: The fact that you're hear and you heard the problems and a lot of this may not be legislative and may not be funding. A lot of it is administrative and the fact that you're hear leads me to believe that there will be some improvements. We have a lot of work to do to make sure that people who want to vote have a right and do have access to vote and have that vote counted. I want to express my appreciation to you and to all the witnesses and to the panelist for the excellent testimony that has been given tonight. Thank you very much.

DELEGATE VIOLA BASKERVILLE: May I make a final comment before we close, I need a half a minute.

CONGRESSMAN SCOTT: Delegate Viola Baskerville.

DELEGATE VIOLA BASKERVILLE: I know you're going back to Congress and will be acting on the federal level but there is something in Virginia that you need to be aware of and the citizens need to be aware of. I have introduced legislation to have the general Election Days in Virginia counted as a state holiday. If there's anyone that's interested in receiving that piece of legislation and working that through the Committee I have a sign up sheet here. We had the state that went the extra effort at the last session to have state holiday

declared for a certain gentlemen and I think we should have a state holiday declared to exercise the right to vote. Thank you.

CONGRESSMAN SCOTT: Thank you. With that we'll close the hearing.

PROCEEDINGS CONCLUDED.

CERTIFICATE OF THE COURT REPORTER

I, Medford W. Howard, Registered Professional Reporter and Notary Public for the State of Virginia at Large, do hereby certify that I was the Court Reporter who took down and transcribed the proceedings of the Third Congressional District Forum on Perceived Registration Impediments and Possible Voting Irregularities in the Third District public hearing when held on Monday, December 18, 2000 at 7:00 o'clock p.m. in the General Assembly Building, 910 Capital Street, Senate Room B, Richmond, Virginia.

I further certify that the foregoing transcript, pages numbered 1 through 90 is a true and accurate record of the proceedings herein reported to the best of my ability to understand and transcribe the testimony.

Given under my hand this 4th day of January, 2001.

Medford W. Howard
Registered Professional Reporter
Notary Public for the State of Virginia at Large
MY COMMISSION EXPIRES: October 31, 2002